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2d Session

HOUSE OF REPRESENTATIVES

REPORT  
No. 1734

BARBARA D. COLTHURST, PEDRO P. DAGAMAC, AND  
EDITH KAHLER

FEBRUARY 1, 1956.—Committed to the Committee of the Whole House and  
ordered to be printed

Mr. FEIGHAN, from the Committee on the Judiciary, submitted the  
following

R E P O R T

[To accompany S. 97]

The Committee on the Judiciary, to whom was referred the bill (S. 97) for the relief of Barbara D. Colthurst, having considered the same, report favorably thereon with amendments and recommend that the bill, as amended, do pass.

The amendments are as follows:

After line 8, on page 1, add sections 2 and 3, to read as follows:

SEC. 2. For the purposes of section 316 (a) of the Immigration and Nationality Act, Pedro P. Dagamac shall be held and considered to have been physically present in, and a continuous permanent resident of, the United States during the period from February 1946 until November 7, 1952, while temporarily absent from the United States in the employment of the United States Government.

SEC. 3. Notwithstanding the provisions of the Immigration and Nationality Act, the periods of time Edith Kahler has resided or was physically present in the United States or any State since December 11, 1947, shall be held and considered as compliance with the residence or physical presence requirements of section 316 of the said Act.

Amend the title so as to read:

A bill for the relief of Barbara D. Colthurst, Pedro P. Dagamac, and Edith Kahler.

PURPOSE OF THE BILL

The purpose of this bill, as amended, is to waive certain residence requirements for naturalization purposes under the Immigration and Nationality Act in behalf of Barbara D. Colthurst, Pedro P. Dagamac, and Edith Kahler.

This bill, S. 97, has been amended to include the beneficiaries of two similar bills, S. 1368 and S. 1540.

The committee, desiring to lighten the burden of the Chief Executive, and to shorten the time required for the consideration of Private

Calendars on the floor of the House, has decided to include the names of several beneficiaries of private bills into one bill, after having considered each of the cases on their individual merits and having acquainted themselves with all the facts pertinent to each case.

#### GENERAL INFORMATION

A brief discussion of each case included in this bill, as amended, with reports from the departments of the administration, and such additional information as was obtained by the committee, appears below.

*Barbara D. Colthurst—S. 97, by Senator Holland (H. R. 2275, by Mr. Fascell)*

The beneficiary of the bill is a 23-year-old native and citizen of Canada who was admitted to the United States for permanent residence as a nonquota immigrant at Buffalo, N. Y., on July 2, 1947. The beneficiary has resided in the United States for a period in excess of 5 years, but for a period of 2 years she was temporarily absent while residing with her parents in London, England, where her father was employed by the United States General Accounting Office and stationed there for a 2-year period. By virtue of that residence abroad with her family, she is unable to comply with the residence and physical presence requirements for naturalization under the Immigration and Nationality Act.

A letter, with attached memorandum, dated May 10, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE,  
Washington, D. C., May 10, 1955.

HON. HARLEY M. KILGORE,  
*Chairman, Committee on the Judiciary,  
United States Senate, Washington, D. C.*

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 97) for the relief of Barbara D. Colthurst, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Washington, D. C., office of this Service, which has custody of those files.

The bill would exempt Miss Colthurst from the provisions of section 316 of the Immigration and Nationality Act which provides, among other things, that absence from the United States for a continuous period of 1 year or more, during the periods for which continuous residence is required for admission to citizenship, shall break the continuity of such residence.

Sincerely,

\_\_\_\_\_, Commissioner.

#### MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE BARBARA D. COLTHURST, BENEFICIARY OF S. 97

The beneficiary, Barbara D. Colthurst, a native and citizen of Canada, was born on March 1, 1932, in Toronto, Canada. She is presently residing with her parents at Woodlawn Manor, Rural Free Delivery 4, Box 473, Alexandria, Va.

Miss Colthurst first entered the United States on July 2, 1947, at Buffalo, N. Y., at which time she was lawfully admitted for permanent residence as a nonquota immigrant under the provisions of section 4 (c) of the Immigration Act of 1924. She departed from the United States on August 22, 1952, and was lawfully readmitted to the United States as a returning resident on August 4, 1954. During her absence from the United States, Miss Colthurst resided with her parents and

sisters in London, England, where her father, Herbert Neville Colthurst, was employed by the United States General Accounting Office. Her parents and her two sisters are United States citizens.

Miss Colthurst attended the Woman's College, University of North Carolina, Boone, N. C.; Mary Washington College, Virginia; and the University of Virginia, Charlottesville, Va.; and received her degree from the latter university. She is dependent upon her parents for support but is occasionally employed as a substitute teacher in Fort Belvoir, Va.

Senator Spessard L. Holland, the author of the bill, has submitted letters in support of the bill:

NOVEMBER 16, 1954.

Re Miss Barbara D. Colthurst, application for United States citizenship.

Hon. SPESSARD L. HOLLAND,  
*United States Senate.*

DEAR SENATOR HOLLAND: Last week I received a letter from my wife's cousin Mary Moore, of Miami, Fla., a dear friend of the family, in connection with the trouble our daughter Barbara is having in obtaining her United States citizenship.

During the last 2 years in which I was transferred to London, England, by the United States General Accounting Office, Mary Moore with her daughter Pauline stayed with us each summer, and became very fond of Barbara. She was much concerned when she heard of Barbara's difficulties on obtaining her United States citizenship, and in her letter to me stated that she had written to you about it and suggested that I contact your office in the hope that you would be able and willing to help us.

I immediately contacted your office, and after a very helpful discussion with Mr. James R. Golden, your legislative assistant, I prepared and am attaching hereto a chronological résumé of the case for his information and use in making an appeal to the committee on private bills for later submission to the Congress.

Mr. Golden seemed to think that Barbara had a very good clear-cut case, and I would appreciate it very much if you could see your way clear to use your influence to help her if you feel that in all logic and equity, the case warrants your support.

Yours very truly,

H. NEVILLE COLTHURST.

#### RÉSUMÉ RE BARBARA D. COLTHURST, APPLICATION FOR UNITED STATES CITIZENSHIP

I was born in Worcester, England, and became a naturalized United States citizen in November, 1950.

My wife, Lucy Katharine (nee Jensen), was born in Asheville, N. C.

We have three daughters; Lucy Constance born in Buffalo, N. Y., 1929; Barbara Daphne born in Toronto, Canada, March 1, 1932; and Mary Pauline born in Toronto, Canada, April 21, 1934.

When we returned to the United States in June 1947, the eldest and youngest daughters were both admitted as United States citizens, the former by birth in her own right and the latter by birth under my wife's citizenship. However, we were told that this right did not belong to Barbara as she was born prior to 1934, when the immigration law was changed. Therefore Barbara had to enter the United States as a Canadian, under a Canadian passport.

In the fall of 1947, I went alone to China under contract with the United States Protestant Episcopal Church Mission as treasurer of the Shanghai Missionary District leaving my family in North Carolina. I returned in the spring of 1949, and did not get around to filing my application for United States citizenship until January 1, 1950.

In November 1950, I joined the staff of the General Accounting Office, Comprehensive Audits Division, and in July 1952 was advised of my transfer to its new European branch for a minimum period of 2 years, to take charge of the new field office in London, England. (Refer copy of GAO Travel Order DA-196 dated July 30, 1952, and copies of letters dated July 28, 1952, and August 13, 1952, from J. F. Feeney, executive officer, GAO, to Mrs. Ruth B. Shipley, Chief, Passport Division, Department of State, Washington, D. C.)

We sailed for Europe August 22, 1952, without being able to obtain a special passport for Barbara, because she was still a Canadian. However, an official in the Passport Division said that if she went over to England with a United States reentry permit for a year, she would have no difficulty getting it extended to cover

the second year of my period in London, and on her return to the United States would be able to obtain her United States citizenship at once, as she would then be over 21 years of age with both her parents United States citizens.

Soon after her return to the United States in August 1954, Barbara applied for her United States citizenship and was told that she would not be eligible to apply for naturalization until August 1958, because her absence from the United States from August 1952 to August 1954, constituted a break in the continuity of her residence in the United States.

Barbara resided continuously in the United States from June 1947, until August 1952, and graduated from the University of Virginia, Charlottesville, Va., in August 1952, just prior to our sailing for England.

It seems most unfair to her that because she went to England as a dependent of a United States Government employee sent overseas on orders of the United States Government, she thereby broke the continuity of her residence in the United States and cannot become a United States citizen until 1958.

Both of Barbara's sisters are legally considered to be United States citizens, and she would also be so considered under title III, chapter I, section 301 (a) (7) of Public Law 414, 82d Congress, but unfortunately this law did not become effective until December 24, 1952.

Barbara is now handicapped by her lack of United States citizenship because she is unable to accept a good position at Fort Belvoir just 2 miles from our home.

H. NEVILLE COLTHURST.

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UNITED STATES GENERAL ACCOUNTING OFFICE,  
OFFICE OF ADMINISTRATIVE SERVICES  
Washington, D. C., December 9, 1954.

HON. SPESSARD L. HOLLAND,  
*United States Senate.*

DEAR SENATOR HOLLAND: I am addressing this letter to you in connection with a letter sent you under date of November 16, 1954, by Mr. H. Neville, Colthurst relative to the citizenship of his daughter Barbara.

Mr. Colthurst was employed by the General Accounting Office in 1950, and in 1952 agreed to accept an assignment in the European Branch of the Office for a period of 2 years, to be stationed in London, England. He left the United States in August 1952, accompanied by his wife and three daughters and, upon the expiration of his assignment, returned to the United States in August 1954.

The above information is furnished you for whatever assistance it may be in connection with your plan to sponsor a private relief bill to enable Miss Colthurst to obtain her citizenship.

Sincerely yours,

J. F. FEENEY,  
*Administrative Officer.*

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FEDERAL POWER COMMISSION,  
Washington, December 27, 1954.

HON. SPESSARD L. HOLLAND,  
*United States Senate, Washington, D. C.*

DEAR SENATOR HOLLAND: I am writing on behalf of Barbara D. Colthurst who, I am told, is having difficulty in obtaining her United States citizenship even though both of her parents are loyal citizens.

My association with the Colthurst family dates back to the early part of 1952. H. Neville Colthurst, Barbara's father, was assigned to the European branch of the General Accounting Office with station in London, England. Until June of 1954, Mr. Colthurst was under my personal supervision, and because of the very small group that was assigned to this European operation, I saw a great deal of him and visited his family from time to time where I became acquainted with Barbara.

It is a distinct pleasure for me to vouch for the loyalty, integrity, and character of this typical American youngster, who, but for the accident of having been born in Canada prior to 1934, would now be a citizen even as her 2 sisters, 1 older and the other younger than herself.

It is my sincere hope that the Congress will enact legislation designed to grant Barbara her United States citizenship.

Very truly yours,

HENRY R. DOMERS, *Executive Officer.*



*Pedro P. Dagamac—S. 1368, by Senator Magnuson*

The beneficiary of the bill is a 51-year-old native and citizen of the Philippine Islands who last entered the United States at Honolulu on November 7, 1952, when he was admitted as a returning alien resident. He first entered the United States in 1933, when he was admitted for permanent residence, and remained in the United States until February 1946, when he went to Japan as a civilian employee of the United States Army. He remained in Japan until his return to the United States in 1952. He is presently employed as a mechanic in the equipment division, Seattle Port of Embarkation, Seattle, Wash. While under the provisions of section 307 (b) of the Nationality Act of 1940, which was in effect at the time the beneficiary departed from the United States for Japan and under similar provisions in the Immigration and Nationality Act, certain temporary absences from the United States in the employment of the United States Government will not break the continuous residence requirements for naturalization if, prior to the departure of the alien from the United States, he has obtained approval of the Attorney General, the beneficiary failed to apply for such benefits prior to his departure to Japan in the employment of the United States Army, although it would appear that he was otherwise eligible.

A letter, with attached memorandum, dated November 23, 1953, to the then chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to S. 1136, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE,  
Washington, D. C., November 23, 1953.

HON. WILLIAM LANGER,  
*Chairman, Committee on the Judiciary,  
United States Senate, Washington, D. C.*

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 1136) for the relief of Pedro P. Dagamac, there is annexed a memorandum of information from the Immigration and Naturalization Service files concerning the beneficiary.

The bill would provide that for the purposes of section 316 (a) of the Immigration and Nationality Act, the alien shall be held and considered to have been physically present in, and a continuous permanent resident of, the United States for a period of 5 years immediately preceding the date of enactment of this act.

Sincerely,

ARGYLE R. MACKAY,  
*Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION  
SERVICE FILES RE PEDRO P. DAGAMAC, BENEFICIARY OF S. 1136

Pedro P. Dagamac, a native and citizen of the Philippines, was born on May 20, 1904. He last entered the United States at Honolulu, T. H., on November 7, 1952, when he was admitted as an immigrant previously lawfully admitted to the United States, returning from a temporary visit abroad. He alleges he first entered the United States at San Francisco, Calif., on February 7, 1933, and remained here until February 1946, when he went to Japan as a civilian employee of the United States Army. He remained in Japan until his return to the United States in 1952.

The wife of the beneficiary and his three children, all citizens of the Philippines, reside in Japan. Mr. Dagamac is presently employed as a mechanic in the equipment division, Seattle Port of Embarkation, Seattle, Wash.

Senator Warren G. Magnuson, the author of the bill, submitted to the Senate Judiciary Committee the following report dated January 13, 1953, from the Commissioner of Immigration and Naturalization with reference to the case:

UNITED STATES DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE,  
Washington, D. C., January 13, 1953.

HON. WARREN G. MAGNUSON,  
United States Senate, Washington, D. C.

DEAR SENATOR MAGNUSON: This will acknowledge the receipt of your letter of December 15, 1952, with which you forwarded the attached communication from Attorney Henry C. Levinski, 1910-1911 Smith Tower Building, Seattle 4, Wash. This concerns the case of Mr. Pedro P. Dagamac, a native of the Philippine Islands, who was originally admitted to the United States for permanent residence in 1932, filed a declaration of intention in 1940 and was absent from the United States without filing with this Service an application for the benefits of section 307 (b) of the Nationality Act of 1940, for many years, returning in November 1952. Mr. Levinski further states that he has been advised by the Seattle office of this Service that due to the fact that Mr. Dagamac was absent from this country for a period of more than 6 months, he is not eligible to petition for naturalization at this time but must await the acquisition of 5 years' continuous permanent residence.

Section 307 (b) of the Nationality Act of 1940 provides that:

"Absence from the United States for a continuous period of more than six months but less than one year during the period for which continuous residence is required for admission to citizenship, immediately preceding the date of filing the petition for naturalization, or during the period between the date of filing the petition and the date of final hearing, shall be presumed to break the continuity of such residence. \* \* \* Absence from the United States for a continuous period of one year or more during the period for which continuous residence is required for admission to citizenship, immediately preceding the date of filing the petition for naturalization, or during the period between the date of filing the petition and the date of final hearing, shall break the continuity of such residence, except that in the case of an alien who has resided in the United States for at least one year, during which period he has made a declaration of intention to become a citizen of the United States, and who thereafter is employed by or under contract with the Government of the United States or an American institution of research recognized as such by the Attorney General, or is employed by an American firm or corporation engaged in whole or in part in the development of foreign trade and commerce of the United States or a subsidiary thereof, no period of absence from the United States shall break the continuity of residence if—

"(1) Prior to the beginning of such period (whether such period begins before or after his departure from the United States) the alien has established to the satisfaction of the Attorney General that his absence from the United States for such period is to be on behalf of such Government, or for the purpose of carrying on scientific research on behalf of such institution, or to be engaged in the development of such foreign trade and commerce or whose residence abroad is necessary to the protection of the property rights in such countries of such firm or corporation, and

"(2) Such alien proves to the satisfaction of the court that his absence from the United States for such period has been for such purpose."

While section 307 (b) of the Nationality Act of 1940 was repealed by the Immigration and Nationality Act which became effective on December 24, 1952, somewhat similar provisions are contained in section 316 (b) of the latter act. Benefits granted under section 307 (b) are regarded as continuing in effect under section 316 (b).

Since Mr. Dagamac failed to file with this Service an application for the benefits of section 307 (b) prior to his employment abroad, it appears that it will now be necessary for him to acquire the statutory period of 5 years' permanent continuous residence in this country before he may file a petition for naturalization. There is no authority vested in this Service to waive or modify the provisions of the statute.

Sincerely,

ARGYLE R. MACKAY,  
Commissioner

In addition, Senator Magnuson has submitted a number of letters and documents in support of the bill, among which are the following:

UNITED STATES SENATE,  
March 11, 1955.

HON. HARLEY M. KILGORE,  
*Chairman, Committee on the Judiciary,  
United States Senate.*

DEAR SENATOR: On March 8 I introduced S. 1368, for the relief of Pedro Dagamac. This is a reintroduction of S. 1136 of the 83d Congress.

Your committee postponed indefinitely S. 1136 because of a justifiable reluctance to give favored status under the nationality laws. At that time there was no material in the file to substantiate Mr. Dagamac's position.

In May Mr. Dagamac came into my office and supplied me with documents to prove he did not intentionally violate the law. He left the United States for Japan to be employed by the United States Government both in Japan and Hawaii. He is still employed by our Government. I provided the committee with photostatic copies of these documents.

By the time the committee received the new evidence, the session was too well advanced to devote the time to a reconsideration of S. 1136. Therefore, I am reintroducing S. 1368 and respectfully request your committee to reconsider Mr. Dagamac's case in the light of the new evidence in the file.

Thank you and kindest regards.

Sincerely,

WARREN G. MAGNUSON, U. S. S.

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USACS "ALBERT J. MYER",  
SEATTLE PORT OF EMBARKATION,  
Seattle 4, Wash., March 24, 1955.

HON. WARREN G. MAGNUSON,  
*United States Senate, Washington 25, D. C.*

DEAR SENATOR MAGNUSON: Mr. Pedro P. Dagamac has been employed aboard this vessel from April 2, 1953, to the present time. During the entire period of his employment Mr. Dagamac has been my subordinate. His conduct has been excellent and he has been of good character.

Yours truly,

M. J. SHORT, *Chief Engineer.*

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USACS "ALBERT J. MYER",  
SEATTLE PORT OF EMBARKATION,  
Seattle 4, Wash., March 24, 1955.

HON. WARREN G. MAGNUSON,  
*United States Senate, Washington 25, D. C.*

DEAR SENATOR MAGNUSON: We, the undersigned, all members of the crew of the United States Army Cables ship *Albert J. Myer*, and residents of the State of Washington, are writing in behalf of Mr. Pedro P. Dagamac, who has a bill in Congress, S. 1368, which has been introduced by you in the 1st session, 84th Congress.

Having all known and worked with Mr. Dagamac on this vessel for several years, we wholly support his appeal for relief.

Anything more you can do at this time will be greatly appreciated by the undersigned.

(Signatures deleted).

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HON. WARREN MAGNUSON,  
*Senate Office Building, Washington, D. C.*

SEATTLE, WASH., June 9, 1954.

SIR: In compliance with your instructions and suggestions, I am making the following statement about my activities and the work I have done since I came to this country.

I was born in Antequera, Bohol, Philippines, on May 20, 1904, and was married on January 4, 1927, to Basilisa D. Dagamac, formerly, Basilisa Dabalos. We have

two children, namely, Ricarda Dagamac, born on June 13, 1931 (daughter), and a son, born on February 7, 1932, namely, Ignacio Dagamac. My wife and children are still in Tokyo, Japan where I was formerly employed as a civilian with the Army.

On December 14, 1932, I left the Philippines for the United States and arrived in San Francisco on February 7, 1933, on the Steamship *President Wilson*. After arriving in San Francisco, I went to Hollister, Calif., to work for the Hollister Seed Co. operated by Mr. Robert Grand and Waldo Rouneth, with which company I operated the threshing machine, and that said company is located in Route 2, Hollister, Calif. In March 1936, I went to Bristol Bay, Alaska, to work for canning company, namely, the Pacific American Fisheries, with offices in Seattle, Wash. In August 1936, I went back to the Hollister Co., Route 2, Hollister, and in 1938 (June), I went to Alaska again and worked for the Piroutroboth Co. which is engaged in canning and fishing, which company is located in Kalawak, Alaska. After the fishing season in Alaska, I went back to Hollister and worked again for the Hollister Seed Co. In June 1940, I went back to Alaska and worked for Skinner Eddy Co. in the village of Kasan, Alaska, which company has its main offices in Seattle, Wash., and my address in Seattle for a short time was 615 1/4 Yeslerway. On January 10, 1941, I went to work for United States Army Transport Services, *J. Franklin Bell*, under the supervision of Captain Sears, in the steward department, and I was the room steward for the officers' cabin. In March 1941, I transferred to United States Army transport *Leonard Wood*, with main offices in Port Mason, San Francisco, Calif., under Capt. John J. Sandbote, and when Captain Sandbote was transferred to United States Army transport *Tasker H. Bliss*, I also went along with him and was assigned to the engine department. On January 26, 1942, I was assigned to Honolulu, T. H., in United States Army transport *Haliakala*. In August 1942 I was discharged at my request and transferred to work for the United States Naval Yards at Pearl Harbor, T. H. My duties there were the operating of steam engine, drydock; operating diesel engine generator pumping fuel oil and gasoline to the gasoline storage as the engineman.

On January 28, 1946, I resigned from the United States Naval Base at Pearl Harbor and went to work for the War Department, Far Eastern Command, General Headquarters, APO 500, Tokyo, Japan, as an engineman, powerman, diesel mechanic, 71st Signal Battalion and Ordnance Maintenance Shop, General Headquarters Command, as an auto mechanic until November 4, 1952, when I resigned to return to the United States at my request. On April 2, 1953, I went to work again for the United States Army cableship *Albert J. Mayer* with addresses at the Port of Embarkation, Seattle, Wash., as an oiler, engine-repair man, operating engine, fuel pump, water pump, pumping water to bilges to bilges, and operating evaporator steam engine to distill sea water to make fresh drinking water while at sea.

In connection with the above statement, I was always able to secure good recommendations from my supervisors; that I have never been charged with any misconduct or any unsatisfactory work during my long period of employment. I have always been loyal to the United States; and that all my employers were always satisfied with my work. In every employment I had, I had made it a point to work hard and do the best I could in the performance of my duties or assignment made for me, and also have tried to obey rules and regulations prescribed by my employers.

I have no objection to anyone investigating or asking informations about me in all the places I have worked in, either in private company or in the Government.

PEDRO P. DAGAMAC.

Subscribed and sworn to before me this 9th day of June 1954.

[SEAL]

EUGENIO M. FONBULNA,  
Notary Public, District of Columbia.

TOKYO, JAPAN, November 5, 1952.

*To Whom It May Concern:*

Mr. Pedro P. Dagamac has worked as a mechanic under my direction and supervision from June 1949 to the present time.

I have found him always energetic and industrious, ready to undertake any work assigned to him. While the language barrier (his rather limited knowledge of English) makes it necessary to explain clearly just what is desired, he has



improved definitely in this respect since I have known him. Once he understands exactly what is necessary, he puts forth every effort to produce satisfactory results. He is a very willing worker, and is always on the job.

Mr. Dagamac is leaving of his own accord, to return to the United States.

NELS C. TROMBURG,

*Assistant Officer in Charge, Sedan Section, Ordnance Repair Shop, Headquarters and Service Command, F. E. C., APO 500, care of Postmaster, San Francisco, Calif.*

*Edith Kahler—S. 1540, by Senator Ives*

The beneficiary of the bill is a 42-year-old native and citizen of Czechoslovakia, who was admitted to the United States for permanent residence at New York on December 11, 1947. She now claims to be stateless. On March 10, 1948, she filed a declaration of intention to become a citizen of the United States, but since her original entry, she has been absent temporarily from the United States on a number of occasions in the employment of United States Government agencies and United States organizations. From June 1, 1949, until June 1, 1950, she was employed by the United States Educational Commission for France. Since 1950, she has been connected with the American university professors' field trip to Western Europe, which was an educational tour under the direction of the Carnegie Institute of Technology, and since 1951, she has also been engaged in two specific research projects for the United States Office of Education. Under the provisions of section 307 (b) of the Nationality Act of 1940, which was in effect at the time the beneficiary filed her declaration of intention, temporary absences from the United States resulting from employment by the Government of the United States or certain institutions of research recognized by the Attorney General could be considered as constructive residence in the United States for naturalization purposes. If the alien had actually resided in the United States for a continuous period of 1 year prior to the beginning of such employment, she could have applied to the Attorney General for approval of her temporary absence from the United States. The beneficiary had approximately 11 months actual residence in the United States at the time she applied for the benefits of that law. Similar provisions are contained in the Immigration and Nationality Act. The beneficiary's parents and a sister are citizens of the United States and all reside in New York City where the beneficiary maintains her residence.

A letter, with attached memorandum, dated February 1, 1954, to the then chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to S. 1742, which was a bill introduced in the 83d Congress for the relief of the same beneficiary, reads as follows:

FEBRUARY 1, 1954.

HON. WILLIAM LANGER,  
*Chairman, Committee on the Judiciary,  
United States Senate, Washington, D. C.*

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 1742) for the relief of Edith Kahler, there is attached a memorandum of information from the Immigration and Naturalization Service files concerning the beneficiary.

The bill would waive the residence requirements of the Immigration and Nationality Act and permit Miss Kahler to be naturalized despite her intermittent residence and physical presence in the United States since her admission for permanent residence on December 11, 1947.

Sincerely,

\_\_\_\_\_, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION  
SERVICE FILES CONCERNING EDITH KAHLER, BENEFICIARY OF S. 1742

Edith Madeline Kahler, a native and citizen of Czechoslovakia who claims to be stateless, was born on December 30, 1913. Coming from France, she arrived in the United States at the port of New York on December 11, 1947, and was admitted for permanent residence. On March 10, 1948, she filed a declaration of intention to become a citizen of the United States. Since her entry for permanent residence she has been absent temporarily from the United States on a number of occasions and has been readmitted with reentry permits. She last departed from New York on June 19, 1953, destined to Paris, France, in possession of a reentry permit, and in her application therefor indicated that she would be absent from the United States for several months.

Miss Kahler was employed abroad from June 1, 1949, until June 1, 1950, as a receptionist by the United States Educational Commission for France. She testified that she was paid the equivalent of \$100 per month in francs. She further stated that at the present time she is engaged in research work in the field of education in France and that the results of her work are for the use of American educational authorities and in connection with the introduction of American home economics into the French educational system. She claims that her work requires that she spend a certain amount of time each year in France.

Because of her temporary absences from the United States Miss Kahler has been unable to satisfy the statutory residence requirements for naturalization. Her application for the benefits of section 307 (b) of the Nationality Act of 1940, which would have permitted her temporary absences from the United States to be considered as constructive residence in the United States for naturalization purposes, was denied on December 22, 1949. Section 307 (b) supra requires, *inter alia*, that an applicant for the benefit thereof must have resided in the United States for at least 1 year, and that the 1-year period of continuous residence must be actual residence and not constructive residence. Miss Kahler had less than 11 months of actual residence in the United States when her application was filed.

According to Miss Kahler, her parents were divorced in 1922 in Czechoslovakia. Her mother was married again in 1923 to one Richard Weininger in Berlin, Germany. The alien stated that both of her parents, as well as her sister, are United States citizens. They reside in New York City, where Miss Kahler also maintains her residence when in the United States.

The alien advised that she has assets amounting to \$455,000, which consist of stocks and bonds, personal property, and money on deposit in a bank. Her monthly income from the stocks and bonds is approximately \$600 a month.

Senator Irving M. Ives, the author of the bill, submitted a number of letters and documents in support of the bill, among which are the following:

MEMORANDUM IN SUPPORT OF S. 1742

ISSUE INVOLVED

Miss Edith Kahler, an alien admitted for permanent residence in the United States, does not meet the technical requirements of section 316 (b) of the Immigration and Nationality Act of 1952 concerning the required period of physical residence within the United States prior to eligibility for naturalization.

However, Miss Kahler does fully comply with the spirit and congressional purpose of the law and therefore merits the approval of S. 1742 to enable her to become naturalized.

FACTS

Miss Edith Kahler was born in Prague, Czechoslovakia, on December 30, 1913. She last left Czechoslovakia in 1938, and has never been back since. She was educated in Berlin, Germany, from the age of 8 until she reached almost 17 years, and then went to boarding schools in England and France. Throughout World War II she lived in England, and returned to France in December 1944 with the French Government. She is unmarried.

Miss Kahler is stateless. All of her relatives (father, mother, and sister) are naturalized American citizens and reside in the United States. She has no living relatives anywhere else except in the United States.

Miss Kahler entered the United States for permanent residence, on December 11, 1947. Since that time, she has been physically present in the United States for a cumulative period of not quite 2 years. She filed her declaration of intention, to become a United States citizen, on March 10, 1948.

She has maintained her residence in the United States for the entire period since her arrival in 1947. During the period when she was not physically present here, she was engaged in France in activities in the interest of, and to the advancement of the welfare of, the United States.

#### OVERSEAS SERVICE IN THE INTEREST OF THE UNITED STATES

Section 316 (b) makes special provision for the absence from the United States of persons who are serving the interests of the United States through employment with Government or private American agencies. Miss Kahler's service overseas for agencies of the United States Government, and for private American concerns, fully meets the congressional intention in connection with such services.

During the period in which Miss Kahler maintained her residence in the United States, but was intermittently physically present in France, she engaged in the following activities:

##### 1. *United States Educational Commission for France*

From June 1, 1949 to June 1, 1950, she was employed in Paris by the United States Educational Commission for France. This Commission, created pursuant to statute<sup>1</sup> is an official agency of the United States Government.<sup>2</sup>

Therefore, for a period of one full year, Miss Kahler was an employee of a United States agency, with duties which required her to be physically absent from the country. In this regard, therefore, she meets the spirit of the law, particularly of S. 316 (c) which provides that absence from the United States shall not be a breach of the requirement of physical presence where such absence was due to being "employed by, or under contract with, the government of the United States."

##### 2. *American university professors' field trip*

Since June 1950, Miss Kahler has been continuously engaged with the American university professors' field trip to Western Europe, an educational tour under the direction of Professor Doris Myers, Carnegie Institute of Technology, Pittsburgh, Pa. This study-tour agency falls within the spirit of the provisions of section 316 (c) concerning "an American firm or corporation engaged in whole or in part in the development of foreign trade and commerce of the United States."

##### 3. *United States Office of Education*

Since 1951, Miss Kahler has been continuously engaged in two specific official projects for the United States Office of Education. The first one has been published as a Government document, Higher Education in France, bulletin 1952, No. 6, a copy of which is attached hereto. The second project, Programs and Methods in French Education, is already underway. For both projects, her official work for the United States Office of Education required her to be overseas.

#### THE EQUITIES FAVOR ENACTMENT OF S. 1742

Miss Kahler meets the spirit of the provisions of section 316, as intended by the Congress. She has been a resident of the United States for more than the statutory period; to the extent that she has been intermittently absent from the United States, she has been continuously engaged in services in the interest of the United States, either with two agencies of the United States Government or with an American firm in the development of foreign trade and commerce of the United States.

There is so clearly a substantial compliance with the spirit and intention of the provisions of the law, that the enactment of S. 1742 is merited by the equities as a means of fulfilling the congressional intention behind the Immigration and Nationality Act of 1952.

<sup>1</sup> Fulbright Act, Public Law 584, 79th Cong., August 1, 1946, 50 U. S. C. A. 1641 (b) (2).

<sup>2</sup> *Shirley Duncan Hudson v. Commission of Internal Revenue*, 20 T. C. No. 130, August 25, 1953; letter from Acting Secretary of Treasury Wiggins to Secretary of State Marshall, April 9, 1948; letter from Acting Secretary of Treasury to Secretary of State, February 20, 1950. See also testimony of Russell L. Riley, Assistant Administrator in Charge of International Educational Exchange Service, Department of State, hearings, subcommittee of the Committee on Foreign Relations, U. S. Senate, 83d Cong., 1st sess., Overseas Information Programs of the United States, pt. 2, 1953, pp. 883-884.

APRIL 23, 1953.

Mr. GEORGE S. IVES,  
*Administrative Assistant to Senator Irving M. Ives,  
 United States Senate, Washington, D. C.*

DEAR SIR: I have been informed that Miss Edith M. Kahler of New York City has communicated with you in a desire to have a private bill introduced in her behalf.

In that connection it gives me great pleasure to commend to you Miss Kahler, whom I have known for over a period of 5 years. She is decidedly a lady of character, ability, and reputation and I am convinced would make a most desirable citizen of the United States if given the opportunity. She is a firm believer in the American concept of democracy and utterly opposed to communism or anything of that nature. This I know from personal conversations with her.

Very respectfully,

THOS. B. SHOEMAKER.

UNITED STATES MISSION TO THE UNITED NATIONS,  
*New York, N. Y., April 4, 1953.*

*To Whom It May Concern:*

It gives me great pleasure to write a letter of recommendation for Miss Edith Kahler. Although I haven't known her for many years I think she would make an excellent citizen and know how much she has contributed to closer relationship between France and this country. She has worked closely with our Office of Education and is known very well to them.

I think that she would make a good citizen of this country and could at the same time continue working on some of her projects to promote better relationships between France and the United States especially in the professional fields.

Very sincerely yours,

MARY B. LORD  
 Mrs. Oswald B. Lord,  
*United States Representative on the Human Rights Commission.*

FEDERAL SECURITY AGENCY,  
 OFFICE OF EDUCATION,  
*Washington, D. C., April 8, 1953.*

*To Whom It May Concern:*

Edith Kahler, a native and former citizen of Czechoslovakia, is applying for citizenship in the United States of America.

I have come to know Edith Kahler through her work on a bulletin which the United States Office of Education published last year, entitled "Higher Education in France." The beginnings of this pamphlet grew out of Miss Kahler's deep concern that students from the United States of America who come to France for further study find the institution of higher learning that will provide them best with the opportunity they seek. When the material in its initial stages came to my attention in the early spring of 1951, I arranged to have it reviewed by a specialist in higher education in our Division of International Education, who considered the preparation of this type of material a valuable project. I sent this word on to Miss Kahler. She completed the basic research by the summer of 1951, and had it ready to discuss with Miss Beulah Coon, a member of the staff of the Home Economics Education Branch of the United States Office of Education while she was in Paris.

I first met Miss Kahler in person when she brought this material to the Office of Education at Miss Coon's and my suggestion early in 1952. Miss Coon and I, together followed through on the publication and had considerable correspondence and further contact with Miss Kahler in getting the material in final form for publication as a bulletin of the United States Office of Education.

All of these contacts with Miss Kahler, which have included working with her directly on two occasions, have demonstrated to me that she would be a good and loyal citizen of the United States, and one who is able to make an outstanding contribution to the cause of our democracy.

EDNA P. AMIDON,  
*Chief, Home Economics Education Branch.*



UNITED STATES EDUCATIONAL COMMISSION FOR FRANCE,  
*Paris, June 1, 1950.*

Miss EDITH KAHLER,  
*41, Rue du Faubourg St-Honoré, Paris.*

DEAR MISS KAHLER: As you leave the employment of the United States Educational Commission for France, I wish you to know that we say "au revoir" with regrets. Your year's service has been a source of satisfaction, especially for the large number of American students with whom you have come into contact.

Your mastery of both French and English made you particularly valuable in the American section of our work. Your handling of the reception of incoming grantees and your management of the orientation program deserve special commendation.

The whole staff will miss you and join me, I am sure, in best wishes for the future.

Sincerely,

WILLIAM A. SHIMER,  
*Executive Officer.*

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The committee, upon consideration of all the facts in each case referred to in this bill, recommends that S. 97, as amended, do pass.



